

amended to produce amended Claim 13. In Appendix B, the portions being added are underlined; and the portions being deleted are enclosed in brackets.)

**REMARKS**

This response is being submitted after the three-month term set for responding to the September 7, 2001 Office Action. Therefore, a petition and fee for an extension of time are enclosed herewith.

This response amends currently pending Claim 13 to replace "Tween 80" with "polyethylene oxide sorbitan mono-oleate," which is the chemical name for "Tween 80." The originally filed U.S. application provides support for amending currently pending Claim 13 in this way because those with ordinary skill in art know that "Tween 80" is synonymous with "polyethylene oxide sorbitan mono-oleate." To illustrate this, we are enclosing herewith a copy of page 1207 from The Merck Index (11th edition, 1989). Please note that monograph number 7559 on page 1207 shows that "Tween 80" is synonymous with "polyethylene oxide sorbitan mono-oleate."

In items 1 and 2 on page 1 of the outstanding Office Action, the Examiner rejects currently pending Claim 13 for allegedly being indefinite because "Tween 80," which is claimed in currently pending Claim 13, allegedly is a trademark. The Applicants respectfully traverse this rejection because "Tween 80" is believed to be clear and definite to someone with ordinary skill in the art. Furthermore, this rejection should now be withdrawn because amended Claim 13 specifies that the tensoactive agent comprises

"polyethylene oxide sorbitan mono-oleate."

In items 3 and 4 on pages 1 and 2 of the outstanding Office Action, the Examiner rejects currently pending Claims 1-6, 8, 10, 12, and 14 for allegedly being obvious in view of Pittenger's U.S. Patent No. 5,827,740, Song's U.S. Patent No. 5,834,032, and Astrup's U.S. Patent No. 5,422,352. The Applicants respectfully traverse this rejection because the prior art does not teach or suggest the claimed invention.

It is submitted that the above-identified application is in condition for allowance. Allowance of the application at an early date is solicited.

This response amends currently pending Claim 13. The amendment that is described in the preceding sentence was done to claim the scope of the invention that the Applicants elect to claim and was not done to overcome the prior art, rejections under 35 U.S.C. § 112, or any other rejections or objections. Furthermore, the amendment that is described in the first sentence of this paragraph shall not be considered necessary to overcome the prior art, rejections under 35 U.S.C. § 112, or any other rejections or objections.

The Applicants reserve the right to seek protection for any unclaimed subject matter either subsequently in the prosecution of the present case or in a divisional or continuation application.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 C.F.R. § 1.136(a) requesting an extension of time of the number of months

necessary to make this response timely filed; and the petition fee due in connection therewith may be charged to deposit account No. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231 on

March 7, 2002  
(Date of Deposit)

JOHN PALMER  
(Name of Applicant, Assignee  
or Registered Representative)

(Signature) JPE

3-7-02  
(Date)

Respectfully submitted,



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Enclosures: Appendices A and B

A copy of page 1207 from The Merck Index (11th edition, 1989)

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APPENDIX A

Re: U.S. Patent Application No. 09/829,779  
Our Ref.: 618736-3/JP/B-4158  
Date: March 7, 2002

Please replace currently pending Claim 13 with the amended Claim 13 that is set forth below.

*A1*  
13. (amended once) A growth stimulating composition for plants in accordance with claim 12, wherein the tensoactive agent comprises polyethylene oxide sorbitan mono-oleate.



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APPENDIX B

Re: U.S. Patent Application No. 09/829,779  
Our Ref.: 618736-3/JP/B-4158  
Date: March 7, 2002

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Please amend Claim 13 as indicated below.

13. (amended once) A [Growth] growth stimulating composition for plants in accordance with claim 12, [characterized in that] wherein the tensoactive agent [is Tween 80] comprises polyethylene oxide sorbitan mono-oleate.

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# THE MERCK INDEX

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AN ENCYCLOPEDIA OF  
CHEMICALS, DRUGS, AND BIOLOGICALS

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nino-1,5-dideoxy-1,2-(2H)-pyrimidin-2-azetidinecarboxylic acid, dec > 180°.  $[\alpha]_D^{25}$  ( $\log \epsilon = 3.94$ ); (0.05N)

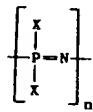
no-5-O-(aminocarbonyl)dideoxy-1-[3,4-di(H)-pyrimidinyl]4-amorphous powder. 0.05N HCl): 262 nm,  $\log \epsilon = 3.82$ . LD<sub>50</sub> in mice, R. J. Lewis, R. L. Zuki, loc. cit. (1965), spot of many ag-

Polyoxyl 8 stearate, polyethylene glycol 400 monostearate, Cerasyl 660, Emerest 2640, Hodag 40-S, Lipal 400S, Lipogel 4-S, Myrl 45, Mapeg 400 MS, Pegosperse 400-MS. Mixture of unesterified polyethylene glycols and mono- and distearates of polyethylene glycols: R. L. Birkmeier, J. D. Brander, J. Agr. Food. Chem. 6, 471 (1958).

Polyoxyl 40 stearate, Emerest 2672, Lipal 39S, Mapeg S 40, Myrl 52, Myrl 52S, Pegosperse 1750-MS. Mixture of mono- and distearate esters of polyoxyethylene and of free POE. The average number of oxyethylene units is 40. Waxy, white to light tan solid; odorless or faint fat-like odor. Sol in water, alc., ether, acetone. Insol in mineral oil, vegetable oils.

USE: As antistats, emulsifiers, defoamers, wetting agents, solubilizers, conditioning agents, lubricants, detergents. Have wide range of cosmetic, pharmaceutical and other industrial applications. Polyoxyl 8 and 40 stearates as pharmaceutical aids (surfactant).

**7556. Polyphosphazenes.** High polymers containing an inorganic backbone of alternating nitrogen and phosphorus atoms. They exist as glasses, flexible solids, or rubbery solids with a low tendency for crystallization; non-flammable and more elastic than carbon-backbone polymers. Prepn of the first polyphosphazene, hexachlorocyclotriphosphazene: J. Liebig, Ann. 11, 139 (1834). Improved synthesis and basis of modern mfg methods: R. Schenck, G. Römer, Ber. 57B, 1343 (1924). Review of syntheses, properties, chemistry and applications: H. R. Allcock, Science, 193, 1214-1219 (1976); idem, Angew. Chem. Int. Ed. 16, 147-156 (1977); E. N. Peters, "Inorganic High Polymers", in Kirk-Othmer Encyclopedia of Chemical Technology vol. 13 (Wiley-Interscience, New York, 3rd ed., 1981) pp 398-413.



USE: In waterproofing; as flame retardants; in gaskets, o-rings, hydrocarbon fuel hoses.

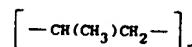
**7557. Polyphosphoric Acid.** Phospholeum; tetraphosphoric acid. May be prepd by heating  $H_3PO_4$  with sufficient phosphoric anhydride to give the resulting product an 82-85%  $P_2O_5$  content: Bell, Ind. Eng. Chem. 40, 1464 (1949); Van Wazer, Holst, J. Am. Chem. Soc. 72, 639 (1950); Kenward, Org. Chem. Bull. 29, no. 1 (1957). Consists of about 55% tripolyphosphoric acid, the remainder being  $H_3PO_4$  and other polyphosphoric acids. Typical analysis: 83.0%  $P_2O_5$ ; or the equivalent 115.0%.

Viscous liquid at room temps. Conveniently fluid at 60°. Solidifies to a glass at low temps. Sol in water with evolution of heat and hydrolysis to  $H_3PO_4$ .

USE: In organic synthesis for cyclizations and acylations. Caution: In strong concns moderately irritating to skin, mucous membranes.

**7558. Polypropylene.** 1-Propene homopolymer; propylene polymer. Three forms are possible. Isotactic (fiber-forming): methyl groups are all on same side of plane of zig-zag carbon atom chain. Syndiotactic: methyl groups are on alternate sides of plane of carbon atom chain. Atactic (not fiber-forming, amorphous): methyl groups are in a random arrangement with respect to plane of carbon atom chain. Early synthesis of isotactic form with Ziegler catalyst and comparison with atactic form: Natta et al., J. Chem. Soc. 77, 1708 (1955); Natta, J. Polymer Sci. 16, 143 (1955). Reviews: N. G. Gaylord, H. F. Mark, Linear and Stereoregular Addition Polymers (Interscience, New York, 1959) pp

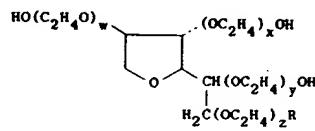
54-65; R. W. Moncrieff, Man-Made Fibres (Wiley, New York, 4th ed., 1963) pp 500-510; J. G. Cook, Handbook of Textile Fibres (Merrow Publishing Co., England, 3rd ed., 1964) pp 369-379; G. Crespi, L. Luciani, "Olefin Polymers (Polypropylene)" in Kirk-Othmer Encyclopedia of Chemical Technology Vol. 16 (Wiley-Interscience, New York, 3rd ed., 1981) pp 453-469.



Isotactic form, Amco, Amerfil, Beamette, Courlene PY, DLP, Gerfil, Herculan, Lambeth, Meraklon, Maplen, Olane, Prolene, Tuff-Lite, Ultron. Solid material, softens at ~155°, mp ~165°. Low flammability comparable to that of wool. Keeps strength down to -100°. d 0.90-0.92. Practically insol in cold org solvents; sol in hot decalin, hot tetratin, boiling tetrachloroethane. Shrinks in boiling trichloroethylene. Resistant to acids, alkalies; attacked by strong oxidizing agents, e.g., hydrogen peroxide. Good resistance to abrasion ("pilling"). Tendency to develop static charges. Unstabilized material has poor resistance to sunlight. Difficult to dye, lacks dye-attracting polar groups in structure.

USE: Isotactic form: for fishing gear, ropes, filter cloths, laundry bags, protective clothing, blankets, fabrics, carpets, yarns, etc.

**7559. Polysorbate 80.** Sorbitan mono-9-octadecenoate poly(oxy-1,2-ethanediyl) derivs; polyoxyethylene (20) sorbitan mono-oleate; sorbytan (20) mono-oleate; polyethylene oxide sorbitan mono-oleate; Sorbitan mono-oleate polyoxyethylene; Sorlate; Tween 80; Monitan; Olothor. An oleate ester of sorbitol and its anhydrides copolymerized with approx 20 moles of ethylene oxide for each mole of sorbitol and sorbitol anhydrides. See also Span.



{Sum of w, x, y, z is 20;  
R is  $(C_{17}H_{33})COO$ }

Amber-colored, viscous liquid. d 1.06-1.10. Viscosity 270-430 centistokes. Very sol in water; sol in alcohol, cottonseed oil, corn oil, ethyl acetate, methanol, toluene. Insol in mineral oil. pH of 5% aq soln between 5 and 7.

USE: Pharmaceutical aid (surfactant); as emulsifier and dispersing agent in medicinal products; as defoamer and emulsifier in foods.

**7560. Polytetrafluoroethylene.** Tetrafluoroethylene homopolymer; tetrafluoroethylene polymer; polytetrafluoroethylene resin; polytef; PTFE; Fluon; Fluoroflex; Teflon. A highly stable thermoplastic tetrafluoroethylene homopolymer. Composed of at least 20,000  $C_2F_4$  monomer units linked into very long unbranched chains. Prepd by polymerization of tetrafluoroethylene: Plunkett, U.S. pat. 2,230,654 (1941 to Kinetic Chem.); Brubaker, U.S. pat. 2,393,967; Joyce, U.S. pat. 2,394,243 (both 1946 to du Pont); Hanford, Joyce, J. Am. Chem. Soc. 68, 2082 (1946); Renfrew, Lewis, Ind. Eng. Chem. 38, 870 (1946); Renfrew, U.S. pat. 2,534,058 (1950 to du Pont); C. E. Schildknecht, Vinyl and Related Polymers (Wiley, New York, 1952) pp 483-494. Account of discovery by Roy J. Plunkett: A. B. Garrett, J. Chem. Ed. 39, 288 (1962). Reviews: R. W. Moncrieff, Man-Made Fibres (John Wiley, New York, 4th ed., 1963) pp 512-517; McCane in Encyclopedia of Polymer Science and Technology vol. 13, N. M. Bikales, Ed. (Interscience, New York, 1970) pp 623-654; S. V. Gangal in Kirk-Othmer Encyclopedia of Chemical Technology vol. 11 (Wiley-Interscience, New York, 3rd ed., 1980) pp 1-24.